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**JUN 19 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
O'Connor et al.	:	
Application No. 09/976912	:	
Filing or 371(c) Date: 05/14/2002	:	ON PETITION
Attorney Docket Number:	:	
42390.P3674R	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 14, 2007, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

**Background**

Applicant filed a Notice of Appeal on February 27, 2006, and thereafter timely filed an appeal brief on April 24, 2006. The appeal brief was non-compliant. Applicant was so notified in a Notice of Non-Compliant Appeal Brief (Notice), mailed May 5, 2006. The Notice set a one (1) month period for reply from the mail date of the Office action. Applicant filed an Appeal Brief in response to the Notice on June 7, 2006; however, the response was also noncompliant, and for the same reasons as the appeal brief filed April 24, 2006. Applicant was so notified in the Notice of Abandonment was mailed June 16, 2006. No timely and properly having been received, and no claims having been allowed, the appeal was dismissed and the application became abandoned on March 22, 2006<sup>1</sup>.

**The September 26, 2006 petition**

Applicant filed a petition to revive the application and reinstate the appeal on September 26, 2006. The petition was dismissed in a Decision mailed January 12, 2007. Applicant was required to provide information to substantiate the assertion that the entire delay in filing the

<sup>1</sup> The MPEP, 1205.02, provides that the appeal will be dismissed if the appellant does not timely file an amended brief, or files an amended brief which does not overcome all the reasons for noncompliance of which the appellant was notified.

required reply, from the due date for the reply until the filing of a grantable petition pursuant to this paragraph, was unintentional, in view of the fact that the appeal brief filed in response to the Notice was noncompliant for the same reasons as the appeal brief filed April 24, 2006.

**The present request for reconsideration**

Applicant files the present request for reconsideration and an Appeal Brief, and includes information that substantiates the assertion that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to this paragraph, was unintentional.

The Examiner has approved the Appeal Brief.

Accordingly, the petition is granted. Accord MPEP 1215.04. The application is being referred to Technology Center Art Unit 2835 for processing of the Appeal Brief.

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

  
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